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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,798	03/30/2001	Stephen H. Price	P 275037 P11032	5000

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/821,798

Applicant(s)

PRICE ET AL.

Examiner

X L Bautista

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 5, 7, 9, 10, 12, 21, 23, 26, and 28 are objected to because of the following informalities:

"uniquelly" (Claim 5, line 3) should be changed to --uniquely--;

"sata link" (Claim 7, line 1) should be changed to --data link--;

"uniqueally" (Claim 9, line 3) should be changed to --uniquely--;

"attrubites" (Claim 10, line 3) should be changed to --attributes--;

"operforms" (Claim 10, line 8) should be changed to --performs--;

"according to said link to said associated button handler" (Claim 10, lines 7-8) should be changed to --according to said link, to said associated button handler--;

"assocaited" (Claim 12, line 10) should be changed to --associated--;

"new second new timestamp" (Claim 12, line 18) should be changed to --second new timestamp--;

"frequeucy" (Claim 21, line 4) should be changed to --frequency--;

"diaply" (Claim 23, line 2) should be changed to --display--;

"attrubites" (Claim 26, line 3) should be changed to --attributes--;

"assocaited" (Claim 28, line 10) should be changed to --associated--.

Correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 8-22, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 8-10, 13, 18, 25, and 26 the phrase "zero or more buttons" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention when there are zero buttons. For example, it is not clear whether the method (claim 8) can comprise zero buttons, each of said zero buttons being used to invoke a corresponding operation to be performed on a list data. See MPEP § 2173.05 (d).

Claim 10 recites the limitation "rendered according said description" in line 7. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 1-11, 13 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bernardo et al* (US 6,684,369 B1) and *Richard Han* (EP 1132847 A2).**

Claims 1 and 23:

Bernardo discloses a software tool for simplifying the creation of Web sites using templates (filler page) that enable personalization and customization of the Web site and pages and facilitate the inclusion or modification or graphical and other multimedia objects (abstract; col. 2, lines 38-42, 66-67; col. 3, lines 1-5). The invention provides a tool for facilitation the posting of content to an already created Web site, where pages corresponding to the content are dynamically rendered on the fly (col. 3, lines 14-17; col. 8, lines 28-32; col. 10, lines 23-46; col. 23, lines 4-17; col. 24, lines 61-67). Bernardo does not teach that the view page (web page) hosts a plug-in, which enables downloading of the filler page (template) and rendering of a list content according to the content structure specified by the filler page. However, Han discloses a collaboration system that permits sending content on a Web page to be sent to one or more users (page 4, lines 47-50). Han teaches that when the user requests a Web page

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via the Web browser, the request is sent to the appropriate Web server which returns the document to the Web browser (page 5, lines 47-50). The system allows to reload (refresh) a web page periodically; if the document has changed at the proxy, the new content would be displayed at regular time intervals (page 10, lines 7-9). Han teaches that another solution is to use an applet which will listen for notification from the proxy and tell the browser to show a document with the url sent by the proxy. This approach is a hidden client pull, which is made flexible by the presence of the applet which is notified of when new data is available. In this way, the page is not going to be refreshed at regular instants but only when new data is available. Han explains that the same thing could be done with a Netscape plug-in for Netscape or a Microsoft ActiveX component for IE (page 10, lines 11-18). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Bernardo's software tool to include Han's teaching of updating web documents using applets or plug-ins because it is transparent to the user and it enables web documents to be refreshed or updated without any action from the user.

Claim 2:

See claim 1. Han teaches that one embodiment includes applets (page 10, lines 14-17).

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Claim 3:

See claim 1. Han teaches that system may include ActiveX (page 10, lines 14-18).

Claims 4, 5 and 24:

Bernardo teaches a template having attributes (tuple, list data) specifying the structure of the page. Bernardo teaches that the page may include a list of options to be selected, text, image, links, etc. (col. 6, lines 32-56; col. 7, lines 7-24; col. 9, lines 50-54; col. 10, lines 23-50).

Claims 6 and 7:

Bernardo teaches that the page may comprise hypertext markup language (HTML) files; various links to other files; the link may include a URL that may link to another page, etc. (col. 10, lines 34-47).

Claims 8, 9 and 25:

Bernardo teaches command initiators (buttons) that can be used to invoke an operation (col. 7, lines 7-25; col. 8, lines 28-55; figs. 4-12).

Claims 10 and 26:

See claims 1, 4, 6 and 8. Bernardo teaches a page (HTML document) that includes heading, attributes, list data, buttons and links (col. 6, lines 32-56; col. 7, lines 7-24; col. 8, lines 28-55; figs. 4-12; col. 9, lines 50-54; col. 10, lines 23-50).

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Claims 11 and 27:

See claim 1. Bernardo teaches manipulation and updating of list data (abstract; col. 2, lines 38-65; col. 8, lines 29-32; col. 9, lines 48-64; col. 10, lines 23-33; col. 23, lines 13-16; col. 24, lines 61-67).

Claim 13:

See claims 1, 4, and 8. Bernardo/Han teaches view page(s) (template) at a client site hosting a plug-in, a template for providing list data, buttons for operating the list data which includes data tuples (values, attributes), (Bernardo: col. 7, lines 7-25; col. 8, lines 28-65; col. 9, lines 1-12, 48-64; col. 10, lines 23-50; Han: page 4, lines 47-50; page 5, lines 47-50; page 10, lines 7-9; page 10, lines 11-18).

**6. Claims 12, 14-22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bernardo/Han* and *Van Huben et al* (US 5,920,867).**

Claims 12, 20, 22 and 28:

See claim 1. Bernardo/Han teaches triggering a list data update in a plug-in (Bernardo: col. 9, lines 1-12; Han: page 10, lines 7-17). Han teaches full and partial update (page 10, lines 7-17; page 22, lines 1-45).

Bernardo/Han does not teach that generating a delta update query by a delta update unit, when in the delta update mode; sending the delta update



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query to a delta update handler at the server site; identifying the delta changes based on a timestamp, and generating a delta update based on the delta changes using a second new timestamp. However, Van Huben discloses a data management system for file and database management. Van Huben teaches a Full Update mode and a Delta Mode, sending a query to the server, identifying delta changes based on a timestamp, generating, sending, and rendering the delta update (col. 45, lines 26-65; col. 47, lines 23-37; col. 48, lines 7-34). Thus, it would have been obvious to an artisan in the art at the time of invention to include Van Huben's teaching of identifying delta changes based on a timestamp on Bernardo/Han's invention because the system has control of every change made to the page and a timestamp so that users may have the most-up-to-date page.

Claim 14:

See claims 12 and 13. Van Huben teaches a delta update handler for performing operations related to updates (col. 45, lines 26-65; col. 47, lines 23-37; col. 48, lines 7-34).

Claim 15:

See claim 12. Van Huben teaches that all objects are identified by name and type (col. 33, lines 11-18; col. 36, lines 16-20).

Bernardo/Han/Van Huben teaches a delta update handler, a delta change

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identification mechanism that permits the system to identify changes made to the data and its attributes and the time when the changes occur specified by a timestamp; the system generates the delta update containing the changed data; and a delta update sender to send the delta update to the plug-in (col. 45, lines 26-65; col. 47, lines 23-37; col. 48, lines 7-34).

Claim 16:

See claim 2. Han teaches that one embodiment includes applets (page 10, lines 14-17).

Claim 17:

See claims 1, 4, 6 and 8. Bernardo teaches a template having attributes (tuple, list data) specifying the structure of the page. Bernardo teaches that the page may include a list of options to be selected, text, image, links, etc. Bernardo teaches a page (HTML document) that includes heading, attributes, list data, buttons and links (col. 6, lines 32-56; col. 7, lines 7-24; col. 8, lines 28-55; figs. 4-12; col. 9, lines 50-54; col. 10, lines 23-50).

Claim 18:

See claim 1, 4 and 11. Bernardo teaches command initiators (buttons) that can be used to invoke an operation (col. 7, lines 7-25; col. 8, lines 28-55; figs. 4-12).

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Claim 19:

See claims 1 and 12. Bernardo/Han/Van Huben teaches a list data update unit for updating the attributes that have been changed (col. 45, lines 26-65; col. 47, lines 23-37; col. 48, lines 7-34).

Claim 21:

See claim 12. Han teaches that every time there is some updated data, the data should be pushed. Han teaches a server push and a client pull. In server push, the server sends updated data. In client pull, the server sends data after a specific period of time. Han teaches that the server has total control over when and how often new data is sent down (page 9, lines 20-32; page 10, lines 1-18).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.


If attempts to reach the examiner by telephone are unsuccessful, the

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examiner's supervisor, John W Cabeca can be reached on (703) 308-3116.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista  
Patent Examiner  
Art Unit 2173

xlb  
March 4, 2004